

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FABTRENDIS INTERNATIONAL, INC.,

Plaintiff,

v.

REPUBLIC CLOTHING GROUP, INC.,

Defendant.

Case No.: 1:23-cv-02897

**ANSWER OF DEFENDANT,
REPUBLIC CLOTHING GROUP, INC.**

Defendant, Republic Clothing Group, Inc. (“Defendant”), by and through its attorneys, Moses & Singer LLP, for its answer to the complaint, dated April 6, 2023 (the “Complaint”), of plaintiff, Fabtrends International Inc. (“Plaintiff”), hereby responds as follows:

1. Paragraph 1 contains legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 1 of the Complaint.

2. Paragraph 2 contains legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 2 of the Complaint.

3. Paragraph 3 contains legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 3 of the Complaint.

4. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint and, accordingly, denies the allegations.

5. Defendant admits the allegations contained in paragraph 5 of the Complaint.

6. Defendant denies the allegations contained in paragraph 6 of the Complaint, except admits that it transacts business within this district.

7. In response to the allegations contained in paragraph 7 of the Complaint, Defendant repeats and realleges its responses to the allegations contained in paragraphs 1 through 6 of the Complaint as if fully set forth herein.

8. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint and, accordingly, denies the allegations.

9. Paragraph 9 contains legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint and, accordingly, denies the allegations.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint and, accordingly, denies the allegations.

11. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and, accordingly, denies the allegations.

12. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and, accordingly, denies the allegations.

13. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint and, accordingly, denies the allegations.

14. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint.

15. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint and, accordingly, denies the allegations.

16. Defendant denies the allegations contained in paragraph 16 of the Complaint.

17. Defendant denies the allegations contained in paragraph 17 of the Complaint.

18. Defendant denies the allegations contained in paragraph 18 of the Complaint.

19. Defendant denies the allegations contained in paragraph 19 of the Complaint.

20. Defendant denies the allegations contained in paragraph 20 of the Complaint.

21. Defendant denies the allegations contained in paragraph 21 of the Complaint.

22. Defendant denies the allegations contained in paragraph 22 of the Complaint.

23. Defendant denies the allegations contained in paragraph 23 of the Complaint.

24. Defendant denies that Plaintiff is entitled to any of the relief requested in the “WHEREFORE” paragraphs or any other relief.

25. To the extent that Plaintiff purports to demand a Trial by Jury, Defendant denies that there is any claim so triable.

26. Defendant denies each and every allegation of fact, conclusion of law, or other matter contained in the Complaint that has not been expressly admitted herein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

27. The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE AND FIRST AFFIRMATIVE DEFENSE

28. Plaintiff's claim is barred, in whole or in part, by the applicable statute of limitations.

THIRD DEFENSE AND SECOND AFFIRMATIVE DEFENSE

29. Plaintiff's claim is barred, in whole or in part, because Defendant has not infringed on any copyright alleged to be owned by Plaintiff.

FOURTH DEFENSE AND THIRD AFFIRMATIVE DEFENSE

30. Plaintiff's losses, if any, are limited to actual damages.

FIFTH DEFENSE AND FOURTH AFFIRMATIVE DEFENSE

31. Plaintiff's claim is barred, in whole or in part, because its claim is predicated on material that is neither original to Plaintiff, nor protectable copyrightable subject matter.

SIXTH DEFENSE AND FIFTH AFFIRMATIVE DEFENSE

32. Plaintiff's claim is barred, in whole or in part, by the doctrine of fair use.

SEVENTH DEFENSE AND SIX AFFIRMATIVE DEFENSE

33. Plaintiff's claim is barred, in whole or in part, because any alleged use was de minimis.

EIGHTH DEFENSE AND SEVENTH AFFIRMATIVE DEFENSE

34. Defendant's alleged conduct was not willful, intentional, or purposeful.

NINTH DEFENSE AND EIGHTH AFFIRMATIVE DEFENSE

35. Plaintiff's requests for lost profits, expenses, and costs, including attorneys' fees, are not appropriate under applicable law.

WHEREFORE, Defendant denies that it is liable for copyright infringement, and respectfully requests that it be awarded its costs and expenses in defense of this matter.

Dated: May 23, 2023
New York, New York

MOSES & SINGER LLP
Attorneys for Defendant

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